

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Closed Captioning and Video Description)
of Video Programming) MM Docket No. 95-176
)
Implementation of Section 305 of)
the Telecommunications Act of 1996)
)
Video Programming Accessibility)

Comments of Caption Colorado, Inc.

1. Introduction

Caption Colorado is pleased to respond to the FCC's Notice of Proposed Rulemaking adopted on January 9, 1998. Caption Colorado is the largest provider of realtime closed captioning to the local TV markets. We currently caption for over 40 stations and employ over 35 realtime steno captionists. Because we are the largest provider of local realtime captioning we feel we are uniquely qualified to respond to the issue of providing emergency captioning.

2. Discussion

8. In this paragraph it is stated that "we should broadly define emergency information to ensure that sufficient information regarding situations that affect the safety of viewers is available to persons with hearing disabilities with the same immediacy as it is for other viewers. To the types of situations cited in the existing broadcast rule, we believe that it would be appropriate to add warnings and watches of impending changes in weather affecting the safety of viewers and seek comment on how to define such situations." We don't believe we are qualified as a captioning provider to define emergency situations that call for realtime captioning. However, we do believe that viewers that rely on closed captioning to stay informed are entitled to the same warning as other viewers. We don't believe that this would cause any practical problems or other complications for entities subject to emergency closed captioning requirements. One of the main problems that exists is the graphic not matching the actual content of the broadcast. Because of this critical information is not conveyed to the viewer who cannot hear the audio.

9. We believe it is feasible to require video program providers to supply realtime closed captions for emergency information programming. As a realtime closed captioning provider we are always seeking qualified realtime captionists. We always have a waiting list of qualified captionists

waiting to be hired by Caption Colorado. We feel that if this rule goes into effect we will be able to have the staff available for providing realtime emergency captioning. We currently caption approximately 3,000 hours of programming a month and have no problems staffing these needs. Because we have captionists located in all the time zones across the US, including Hawaii, we can provide captioning at any hour of the day or night. If these rules go into effect we have a plan we will implement to increase the numbers of captionists available for emergency programming. We have attended the NCRA convention and done mailings and advertising in order to increase the pool available to us.

10. It is difficult for us, or anyone to estimate the number of realtime captionists currently available for work. One issue is that the number of captionists available for emergency work rather than full time captioning, is larger than the number of full time captionists. With over 30,000 court reporters in the U.S., we think that there will be enough qualified personnel to caption all news programming. Not all of those qualified to be captioners are members of NCRA or CRR's. Currently those are the only means by which qualified captioners are counted. This has left many of those who are trained and qualified out of the numbers published. Qualified court reporters who may work in court or do freelance court reporting for their normal work may be available for emergency captioning. By having strategically placed "on call" personnel, we could utilize them if an emergency occurred. We have never not been able to respond for any emergency and this has not affected our regular scheduled 3000 hours a month. We do provide emergency captioning for all of our regular customers as well as several stations that only utilize us for emergencies. We have also been able to provide emergency captioning within 15 minutes (or time as needed) to customers who had never utilized our services for regular captioning. As long as a station has the phone lines we need and can provide the phone numbers, we have been able to provide any and all captioning needed. We currently charge the same amount for captioning, whether or not it is emergency, last minute or regularly scheduled programming.

We do think it is feasible for video providers to have a captioning company "on call" for emergencies. Because of our staff size and our means of providing realtime captioning remotely; Caption Colorado is confident we can accommodate the needs for emergency captioning with minimal lead time. For example, in 1997, Sacramento, California was hit with severe flooding. None of the TV stations provided emergency realtime coverage of these severe floods which included the necessity of evacuation, road closings and other potential dangers. After the reaction of the deaf/HOH community to the non-availability of captions KCRA in Sacramento contacted us. They wished us to provide emergency realtime closed captioning if they requested. They installed the needed phone lines and provided us with the information at that time. Several times in the last year they contacted us and we were easily able to provide emergency realtime captioning. In January of 1998, Sacramento was once again deluged by rain. They anticipated that the flooding could be as severe as 1997. KCRA provided live news coverage of this emergency and realtime captioned all of their news broadcasting. We were easily able to assist them in this coverage. In fact, KCRA had a 50% share for the time they were providing non stop news coverage. At the same time, other parts of California were hit by the same storms. We provide captioning for 4 stations in LA and 2 in San Francisco. Most of the stations were broadcasting extra coverage for many hours. We were able to provide all the coverage all of the stations requested during this week of rains. This is one example of a real life situation and how we were able to provide the needed service. One reason it

is possible for a few captioners to cover several emergencies is that there are seldom many areas hit with emergencies concurrently. If an emergency were national in scope, the national networks would be providing emergency broadcasting, thereby eliminating the need on a local level.

We don't think it is feasible for a video provider to hire full-time staff to produce realtime captions in the event of an emergency. This would not be practical, as emergencies occur so infrequently. The cost of a full-time or standby captioner would have to be amortized over the emergency hours, an inefficient utilization of personnel and money. Because of our size and capabilities we can provide the "on-call" service needed. The cost for "on call" emergency captioning is \$120 per hour and does not vary. Because emergencies occur infrequently and are of short duration, these costs would not be burdensome to the video provider. Video providers could easily have a budget item to cover such expenses should they occur. The worst emergencies we have captioned have been the LA earthquake and fire. Even with 48 hour coverage the cost to the TV station was well under \$10,000.

11. We provide all of our realtime captioning remotely. Because of this we feel that our solution easily provides for emergency captioning. We are available 24 hours a day/7 days a week. All of our customers, and our "on call" customers are provided with several means of contact where we can always be reached. If an emergency occurs, the provider does not have to wait for a captioner to come into the facility to start captioning. Because we have captionists in all time zones who also work on varying schedules, with a phone call we can have someone providing realtime within a matter of minutes. If there is a natural disaster the captionists may not be able to reach the facility or the facility itself may be damaged. With remote captioning these are no longer worries. Remote realtime captioning need not cost more than local. In fact, because of our volume and staff size we are able to charge far less for our captioning than many other realtime captioning providers.

12. Yes, emergency programming should be given a higher priority than new programming. We think you can expect and should require all video providers to provide realtime captioning for emergencies immediately. The technology and personnel are available and the actual cost is minimal. Emergency captioning is not related to the benchmark for new programming. The critical nature of realtime information needed by deaf and HOH obviously supersedes any arbitrary goals established for routine programming.

3. Conclusion

Emergency broadcasting is essential for all people to receive. When threatened with loss of life and property it is so important that this news is accessible to all viewers. The only way to ensure the over 28 million deaf and hearing impaired Americans can access emergency broadcasting is to ensure that realtime captioning is provided. It is feasible, logistically possible and not an undue financial burden for the video providers to provide realtime closed captioning for all emergency broadcasts.

Respectfully submitted,

Claire Ryder
Manager
Caption Colorado
475 17th St., #450
Denver, CO 80202
(303) 295-1618